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ABSTRACT

One of a series of implementation documents prepared in conjunction with the revised minimum standards adopted in 1983 by the Ohio State Board of Education for elementary and secondary schools, this publication provides guidelines for developing attendance policies and procedures, reviews considerations related to attendance, and suggests practices and alternatives for improving attendance. The guidelines are divided into two parts: (1) the philosophical basis for policy and procedures development and (2) suggested procedural components. The components include (1) definitions of excused absences, (2) attendance reporting and accounting, (3) attendance-related responsibilities of the staff, (4) home-school communications, and (5) corrective measures and penalties. Following these guidelines is a discussion of chronic absenteeism and truancy, including its causes and consequences for the student, school, and society; intervention strategies focusing on the student, school, and society; and in-school factors affecting good school attendance. The next chapter discusses incentive practices for maintaining and improving school attendance, and this is followed by a description of alternative school programs for chronic absentees, dropouts, and other problematic students in various school districts throughout the country. The last two chapters discuss options to out-of-school suspension and legal considerations for attendance policies and procedures, including state statutes on student attendance and rights of due process. A bibliography is included. (TE)

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FOREWORD

With the adoption of the 1983 minimum standards, the State Board of Education has established conditions to promote a general education of high quality in all chartered schools. The State Board of Education recognizes its responsibility to give direction to the system of education in the state. At the same time, there is flexibility within standards to establish educational programs that are responsive to local needs.

Minimum Standards for Elementary and Secondary Schools 1983 provide the potential for greatly improving education in Ohio. That potential can be reached through well-structured local and state leadership. To assist responsible implementation of minimum standards, staff in the Ohio Department of Education have prepared an implementation series consisting of fourteen documents. A distinction is made among the publications. Only one, *Procedures for School Evaluations*, is a compliance document. It contains the standards in a format readily used for self-evaluation. School personnel will find information about what is needed for a district and schools within the district to comply with standards. In the remaining publications, an effort is made to specify what the standard requires. Additional information, guidelines, procedural steps, and sample forms may go beyond what the standard requires. The purpose is to assist the local planning process, not to prescribe what shall be in every school in Ohio.

Minimum standards address the public's increasing expectations for schools with a requirement for competency based education in English composition, mathematics, and reading. Three of the publications, *Process Model for Course of Study, Competency Assessment and Testing*, and *Intervention* are aligned in addressing competency based education. A number of options are described for local consideration.

Appreciation is extended to school personnel who contributed to these publications by sharing their time, expertise, and materials. Appreciation is also extended to staff members who worked untold hours to make these publications possible.

Franklin B. Walter

Franklin B. Walter
Superintendent of Public Instruction

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INTRODUCTION

I. INTRODUCTION: ATTENDANCE IN OHIO SCHOOLS

The record of attendance in Ohio public schools is good. In 1981-82, an average of 93 percent of the 1.9 million Ohio public school students were in school on any given day. The average attendance rate was up two-tenths of a percent over the previous year, and has increased every year from a low of 92.3 percent in 1977-78. Last year, 533 of the 615 school districts had attendance rates above the statewide average of 93 percent.

While an absence rate between four percent and five percent may be considered normal, and despite Ohio's positive record, there are causes for concern. During 1981-82, the seven percent statewide absenteeism average represented a loss of 23,000,000 student learning days. The statewide junior high school attendance average fell from 91.4 percent in 1980-81 to 89.6 percent in 1981-82, the lowest rate for any grade level over the past ten-year period. Further, there are variations in attendance rates among individual schools within any district; across grade levels and student achievement levels; by race, sex and age of students; home and family demographics; weather conditions; days of the week and times of the year.

Reflecting a national concern, student attendance was rated the number one problem by members of the National Association of Secondary School Principals in 1973, 1974 and 1975. Forty-three percent of the members of the National Association of Elementary Principals considered student absenteeism a major problem in 1979. In the American Association of School Administrators' 1979 Critical Issues Report, 95 percent of the administrators cited absenteeism and the related problems of tardiness and truancy as primary concerns.

Profiles of Ohio districts with high attendance and absence rates reflect diversity in size, staffing, geographical location and community characteristics. While there appears to be no single demographic variable linked to good attendance, most districts with high or above average attendance rates work vigorously and tirelessly to maintain and improve student attendance and have a strong board-adopted attendance policy with clearly stated regulations or procedures for implementing the policy in all buildings.

The importance of administering pupil attendance according to established objectives and procedures is reflected in Chapter 3301-35-03(G) of the Minimum Standards for Elementary and Secondary Schools. As a state leadership publication, the purpose of this handbook is to:

- provide guidelines for developing attendance policies and procedures

INTRODUCTION

- review factors related to attendance, including legal considerations
- suggest practices and alternatives for improving attendance

The diversity of demographics among Ohio districts is recognized. However, it is hoped that this handbook can be useful to all, not only to guide decision-making on developing new attendance policies and programs, but also to stimulate and provide a measure for review, evaluation and/or modification of existing ones. The goal is to assist each school district in the implementation of a realistic, workable plan to achieve the mission of improving attendance in every school in Ohio.

The ideas included in this handbook were garnered from the experiences and studies of statewide advisory committees, a survey of school districts in Ohio and other states and a search of the relevant literature. The Ohio Department of Education expresses its appreciation to the school districts listed below for providing information about their policies and programs to improve attendance. Incorporated in this handbook are many of the practices being implemented in their schools.

Akron City, Summit
Beavercreek Local, Greene
Centerville City, Montgomery
Chillicothe City, Ross
Cincinnati City, Hamilton
Circleville City, Pickaway
Clearview Local, Lorain
Cleveland City, Cuyahoga
Cleveland Heights-University Heights City, Cuyahoga
Columbia Local, Lorain
Columbiana County, Columbiana
Columbus City, Franklin
Cuyahoga Falls City, Summit
Dayton City, Montgomery
Eaton City, Preble
Garfield Heights City, Cuyahoga
Hardin Northern Local, Hardin
Howland Local, Trumbull
Huber Heights City, Montgomery
Kettering City, Montgomery
Licking County, Licking
Lima City, Allen
Lucas County, Lucas
Marlington Local, Stark
Medina County JVS, Medina
Middletown City, Butler
Mt. Gilead E.V., Morrow
Northwestern Local, Wayne
Paint Valley Local, Ross
Polaris JVS, Cuyahoga
Portsmouth City, Scioto
Preble County, Preble
Revere Local, Summit
Rock Hill Local, Lawrence
Ross County, Ross
St. Bernard-Elmwood Place City, Hamilton
Shawnee Local, Allen
Springfield City, Clark
Streetsboro City, Portage
Symmes Valley Local, Lawrence
Toledo Catholic Diocese, Lucas
Toledo City, Lucas
Twinsburg City, Summit
Twin Valley Local, Preble
Versailles E.V., Darke
Wayne County JVS, Wayne
Worthington City, Franklin

GUIDELINES

II. GUIDELINES FOR DEVELOPING SCHOOL ATTENDANCE POLICIES AND PROCEDURES

A policy is a broad general statement expressing a school district's commitment to a given goal and the philosophical basis for that commitment. It also provides a framework for developing procedures for the implementation of the policy by all staff members. The policy tells what is wanted and why; the procedures tell how, where, when and by whom the task will get done. Policies establish ends; procedures, the means to the ends. While policies tend to be brief, procedures are detailed directions covering numerous policy-related factors.

A. Policy and Procedures Development

An attendance policy should state clearly the objectives and expectations of the district for regular student attendance. It should be consistent with the attendance requirements governed by compulsory school attendance laws, state minimum standards and students' rights of due process. It should delineate clearly where the responsibility lies for school attendance: with parents or guardians, with students, with school administrators and teachers or as a joint responsibility of all.

The philosophical basis for the policy might include statements regarding the district's objectives such as:

- providing a school climate conducive to learning and living
- providing a curriculum broad enough to meet a range of individual needs
- helping students develop a sense of responsibility, discipline and good work habits
- providing effective student orientation and direction
- providing adequate counseling on course selection and decision making;
- ensuring appropriate pupil placement
- providing teachers who have exemplary attendance patterns
- utilizing preventive and educative procedures as a primary approach to maintaining and improving attendance and assertive discipline procedures when they become necessary
- maintaining accurate and closely monitored and evaluated attendance records
- maintaining close communication between home and school through letters, telephone calls, conferences, meetings and counseling to enlist and sustain parent support for regular school attendance.

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The National Association of Secondary School Principals (NASSP) studied numerous attendance policies and identified the following characteristics of successful policies.

- The policies are strong; when little or nothing is done about attendance, the problem gets worse.
- Participation in the formulation of the attendance policy is broadly based; administrators, teachers, students and parents frequently are involved.
- The policies clearly specify attendance expectations and delineate in writing the outcomes of good and poor attendance.
- The policies are well publicized; parents and students are repeatedly informed of attendance requirements.
- The policies are consistently enforced; compliance with the policy is expected at each level of enforcement.
- Immediate follow-up on absences is made to the home by letter, phone call or other means.*

Opinion varies as to who should write the attendance policy and the procedures it governs. The ultimate responsibility for policy adoption rests with the local board of education. Therefore, in being responsive to the opinions and suggestions of the staff, students and members of the community, the board members should discuss and synthesize all ideas and data and establish a goal. Generally, the actual writing of the policy is delegated to the superintendent or designee, who prepares a draft policy statement for the board's evaluation, discussion and final approval.

Following board approval of the policy, the superintendent provides leadership in the development of administrative procedures or regulations for the implementation of the policy. Some feel the procedures governing school attendance should be written by school administrators. Others see value in a collaborative effort by a committee representing administrators, teachers, guidance counselors, students, parents, community members, social agencies, juvenile courts and others as deemed appropriate.

A committee approach has several advantages. For one, it provides for study and recommendation by all of the groups affected; secondly, it reinforces a broad-based commitment to regular attendance. Through subsequent interactions with others in the school and community, the committee helps to communicate the school district's policy and procedures to a wider public and strengthens community awareness of the importance of good attendance.

*DeLeonibus, Nancy. "Absenteeism: The Perpetual Problem." *The Practitioner*, Vol. V, No. 1, 1978, p. 7. Reprinted with permission of the National Association of Secondary School Principals.

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After the procedures are written, they should be submitted to the board of education for evaluation and approval. Approval by the board guarantees that both the board and administration hold a common understanding as to the intent of the policy. Official board endorsement also lends strength to the implementation of the procedures and, in case of subsequent litigation, provides the courts a legally enacted action by the board as evidence of intent.

Following the adoption of the attendance policy and procedures by the board of education, it is advisable to:

- provide for broad media and direct communication coverage of the policy and procedures to students, parents, staff and the community
- conduct a formal program of inservice training for all school staff to ensure full understanding of the policy, the procedures it governs and the role of each in carrying out the stated responsibilities
- conduct a series of public meetings to review and discuss the policy and the procedures with such groups as parents, students, and personnel from juvenile justice and police departments, health, welfare and social agencies, medical and dental organizations, the bar association and the legal aid society

B. Suggested Procedural Components

Written procedures to implement the policy should be clearly stated and consistently applied. They should define relevant terms to assure common understanding and specify the responsibilities of everyone involved. The consequences for failure to comply with attendance expectations also should be established in conformity with applicable legal requirements. (Information relative to legal implications is contained in Section VII of this handbook.)

The following procedural components are suggested.

- Definitions of Excused Absences
- Attendance Reporting and Accounting
- Attendance Related Responsibilities
- Home-School Communications
- Corrective Measures and Penalties

A description of each component follows.

GUIDELINES

1. Definitions of Excused Absences

Excused absences should be defined so that attendance procedures can be appropriately and consistently applied. In general, absence is the failure of a student to report to school or to a class when assigned for instruction. Absence from school is legal for the following reasons under Section 3301-51-13 of the Ohio Administrative Code (see page 40).

- Personal illness
- Illness in the family
- Quarantine of the home
- Death of a relative
- Work at home due to absence of parents or guardians
- Observance of religious holidays
- Family emergency or set of circumstances which, in the judgment of the superintendent, constitutes a good and sufficient cause for absence from school

Absence for any reason other than those cited above presumably is illegal and constitutes truancy.

Decisions regarding the legality of an absence should not be formulated as individual cases arise, but should be based on a clear set of guidelines for a reasonable approach to a range of probable conditions.

Typical questions to be addressed in establishing procedures include matters such as:

- Does absence due to any illness, or only after a stipulated number of days, require a statement signed by a doctor? How many days might be permitted without a doctor's statement?
- Is family illness per se justification for student absence? How serious an illness is required? Should a student be excused from school attendance to tend a sick family member for a prolonged period or to tend younger siblings during the illness of a parent or guardian?
- How many days of absence are reasonable after the death of a relative? Does the relationship of the relative or the distance for attending services make a difference?
- How will attendance at school-related events be treated? Is there a limit to the number of absences permitted for such events?

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Excusing an absence for a "good and sufficient" reason in the judgment of the superintendent or designee requires a clear statement of the district's posture in permitting types of certain absences. Requests for "excused" absences might include family trips, music or dancing lessons, pursuit of a hobby, performing a skill or talent, participating in a competition, keeping medical or dental appointments, attending a special show or exhibit, babysitting, shopping for school clothes and running family errands. While room for discretion may be necessary in dealing with human needs, different decisions in a series of closely similar cases can lead to confusion, inconsistency and inequity.

A school-community advisory committee could be valuable to the administration in formulating a position in response to various requests for "excused" absences which are not covered specifically in the law. For example, district policies may vary in excusing absences for meeting medical or dental appointments. Often, community conditions are taken into account: if doctors and dentists are available to students after school and/or Saturdays, students may not be excused; however, if medical or dental appointments outside of the school day are difficult, principals may use their discretion in excusing students.

Practices in dealing with absences such as those described above also may differ. Some districts require the parent to make a formal request three weeks in advance, others one week or less. Some say no approval will be granted if the student has been absent excessively prior to the request. "Excessively" may be defined variously as five days, ten days or more than ten days. Some districts ask the student's teacher for advice as to whether the student's work justifies permitting absence. Many require the student to complete make-up work in advance of the absence, or to get advance assignments from the teacher to be completed during the absence.

Some districts will permit a parent-approved absence only if it provides an experience of educational value recognized by both parents and principal. Others have established a list of reasons for absences that are never acceptable. Such lists often include babysitting, shopping for school clothes, running errands, participating in private lessons or hobbies and pursuing performance of a talent or skill. On the other hand, some districts may excuse students for personal activities if they can be scheduled during study periods or if the students exhibit exceptional talent in some field of personal performance.

Included in the definition component of the attendance procedures might be rules and corrective measures governing tardiness. Some districts specify a certain number of occasions of tardiness as equal to an absence and treat that number with the same penalties governing absences.

2. Attendance Reporting and Accounting

Attendance procedures should identify clearly the responsibilities for developing and implementing a standard district-wide student attendance reporting and accounting system. Generally, development of the system is the responsibility of the administration and implementation is the responsibility of the building principal. As a rule, attendance recording and reporting should not be delegated to a student.

Procedures and responsibilities should be designated for all reporting and accounting activities such as:

- daily recording and reporting of absences by homeroom and/or class period
- compiling and distributing the daily list of absentees to appropriate teachers and other staff members
- monitoring the daily attendance record
- identifying and counseling students with irregular attendance patterns
- maintaining cumulative records of each student's absences
- reporting student absences to parents at each grading period, or sooner if necessary
- reporting district-wide attendance data to the superintendent or designee for sharing with the board of education, staff, parents and the community at large.

3. Attendance-Related Responsibilities

In addition to designating responsibilities for maintaining and reporting accurate student attendance records, other attendance-related responsibilities of the staff might be stated in the procedures. Examples include the responsibilities listed below.

a. Teachers might be given the responsibility to teach the value of regular school attendance, using their professional skills to motivate student learning and to provide experiences that result in successful progress or accomplishment for each student. Teachers also can express personal interest in a student who has been absent, provide informal counseling regarding the value of regular attendance and maintain contact with parents.

b. Counselors might be required to analyze attendance records on a regular basis and to confer with and counsel students and their parents or guardians as soon as an emerging pattern of absenteeism or truancy is identified. They can identify school and community referral services which may alleviate underlying causes for absence. Such resources may provide health care services, clothing or guidance and counseling services. They also can identify and recommend adjustments in school programs, placements or schedules which may be helpful in improving student attendance.

c. The principal may be designated to hold all staff members accountable for meeting attendance-related responsibilities; ensure that parents and others are kept informed of attendance matters and encourage their support for regular school attendance; make certain that all available support services in the school system and the community are made accessible to absence-prone students and their families; and be prepared to assist in the prosecution of students and parents who violate the compulsory school attendance laws.

d. School attendance officers might be designated to investigate all referrals of student abuse through home visits or other means; counsel students who are developing a pattern of truancy; advise students and their parents of the educational and legal consequences of truancy; and assist civil authorities in the prosecution of students and parents who violate the compulsory school attendance laws.

4. Home-School Communications

Most school districts require parents to report a child's absence from school by a telephone call or note. Many require that the call be made in the morning of the day of absence. Some systems provide a phone kept free from other use in the morning hours to provide accessibility to parents.

In some districts, calls are answered by a teacher released from homeroom or class responsibility for this purpose; others may rely on a school secretary or trained parent volunteers. The record of calls and reasons for absences may be monitored by the principal or counselor who contacts the parents if there are concerns or questions about the absence. If a parent does not call, the school has a responsibility to notify parents of a student's absence.

There are several advantages in maintaining a permanent record of all calls and contacts. It is useful to the principal and teacher in parent conferences, particularly following a given number of days of questionable absence, and can assist the school attendance officer and/or the court in the event the matter is reported for investigation.

5. Corrective Measures and Penalties

Corrective measures for excessive absence or truancy may include a counseling session, a parent conference, a reprimand, after-school detention, suspension from school or assignment to a special alternative education program. An issue to be determined is whether or not the student can make up the work missed during truancy and if individual teachers have a voice in the matter.

Most systems set uniform limits with built-in "escalator" clauses requiring more severe penalties and actions for offenses beyond a single or minimum number of incidents. Typical measures for first offense truancies include a notice to parents by phone or mail; a conference with the principal, teacher and/or counselor; and/or a detention of specified length before or after school. Second and third offenses might call for several hours of detention and a letter to parents warning that repeated truancy may result in suspension from school. On a fourth offense, the student may be subject to withdrawal from a course or school, or the parents may be subject to court action.

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All suspensions and/or withdrawals must be consistent with students' rights of due process. Specific procedures are detailed in Section 3313.66 of the Ohio Revised Code. Information about the rights of due process is included in Section VII. Legal Considerations for Attendance Policies and Procedures of this handbook.

Consideration also must be given to such issues as missed class work. In most districts, a student on a first suspension is permitted, and usually expected, to make up missed class work and assignments. During subsequent suspensions, the student frequently is not permitted to make up class work and assignments, but receives no jeopardy to class credit. Though it is a practice in some schools to reduce the grade in a course based on absence, the practice is questionable since the course grade is earned by academic achievement which can be measured by means other than days in attendance.

After the days suspended exceed a certain number, often from ten to fifteen days, the question arises whether the student can meet requirements for course credit. The determination is usually made through a conference with the teacher, principal, counselor, parents and student.

Many schools have sought alternatives to out-of-school suspensions for truancy. Among them are Saturday make-up sessions, requirements of the student to provide certain school services and in-school suspension. These are more fully described in Section VI. Options to Out-of-School Suspension.

Others have developed alternative programs both in and out of school as corrective measures to meet the special needs of truant or would-be truant students. Frequently, placement in such programs can meet the academic needs of the student and serve to increase his or her motivation for improving attendance. Alternatives include work-study programs, vocational training, school in a camp setting, classes for unwed parents, adult high school, evening high school, magnet schools, special interest schools and schools with a curriculum developed around special student projects carried out in the school and community. Alternative programs are discussed in Section V. Alternative School Programs.

In cases of excessive and persistent truancy, and in which there is substantial evidence that all of the procedures and regulations have been met and all available staff and program resources have been utilized, the superintendent may be requested by the principal to expel a student for the remainder of the semester. Again, attention must be given to the student's rights of due process.

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Caution is advised in the case of a handicapped student. Expulsion of a handicapped student from school has been determined by the Sixth U.S. Circuit Court of Appeals to constitute a change in educational placement requiring schools to follow the due process procedures set forth in the Education for All Handicapped Children Act. If the handicapped child's misconduct is not related to the child's handicapping condition, the child may be "expelled;" however, instruction must be continued. (See Section VII. Legal Considerations for Attendance Policies and Procedures.)

CHRONIC ABSENTEEISM AND TRUANCY

III. A DISCUSSION OF CHRONIC ABSENTEEISM AND TRUANCY

While some absences are legal and/or excused, truancy is generally defined as absence from school or class for reasons not qualifying as legal under the Ohio Administrative Code or as covered by a district's attendance policy. Chronic absenteeism, and most certainly truancy, pose problems for the student, the school and society at large.

For the student, it interferes with successful learning and can result in failure to acquire skills and credentials for employment, higher education or success in life.

For the school, it drains administrative and staff time and increases costs of record keeping and pupil services. It reduces the school standing for student academic achievement. It causes concern for educators who are professionally committed and required by law to educate all young people. In short, it can jeopardize the school's legitimacy as an institution of learning.

For society, it prompts concern for potential delinquency and crime by young people loitering without constructive occupation or supervision. It taxes time and resources of public and private agencies responsible for dealing with problems of juveniles. And, in the long-range, society bears the burden of students who fail to acquire basic competencies to assume a productive role as adults.

A. Perspectives

Causes of chronic absenteeism and truancy may be viewed from three perspectives: the student, the school and society.

For the student, truancy may reflect personal concerns such as:

- non-conformance and rebellion against authority
- poor self-image
- lack of significance of school assignments
- lack of motivation
- poor educational preparation
- failure to achieve
- personality conflicts with teacher
- poor rapport with school staff members
- inadequate orientation of school duties and responsibilities
- lack of participation in co-curricular activities and events
- fragmentation of learning due to repeated teacher absence
- task and subject repetitiveness
- inadequate communication between school and home
- perceived inequity of attainment of rewards and recognition

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For the school, truancy may reflect institutional concerns such as:

- an administration, staff and student body who do not evidence strong commitment to school attendance
- inadequate information about requirements and responsibilities of the school and of the student
- lack of student participation in school governance
- a school organization which does not provide students easy accessibility to administration and services
- ineffective administration, management and supervision
- ineffective guidance or orientation procedures for students and parents
- ineffective teaching
- inadequate program selection and class assignment methods
- inadequate curricular or co-curricular programs
- inadequate facilities, equipment, supplies and services
- lack of inservice training programs for teachers
- lack of opportunity for student recognition or individuality
- lack of incentive programs or offerings
- ineffective attendance monitoring system
- lack of consistently and fairly applied written attendance procedures
- inadequate grievance procedures
- ineffective communication between school and parents
- inappropriate student transfer policy and procedures
- unsatisfactory school-student relations

For society, truancy may reflect broader issues such as:

- earlier biological development of youth and the gap between perceived readiness to assume adult roles and allowance to do so
- development of a youth sub-culture
- growing social segregation by age
- concentration of families with limited opportunity for social mobility
- changing perception of high school training as a guarantee for future employment
- ineffective articulation between school and the labor market
- changing patterns in family structure involving increasing numbers of divorces, remarriages and single-parent families
- changing nature of the work place with its increased employment of women, including mothers, greater unemployment and new needs for retraining to upgrade or supplant old skills

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- increasing use of drugs
- earlier sexual involvement by young people and pregnancy outside of marriage

B. Intervention Strategies

Depending on the perspective from which truancy is viewed, programs to improve attendance or reduce truancy may differ or overlap to meet several objectives.

If the perspective focuses on the student, intervention strategies will be geared to the individual. They might include such measures as personal counseling and guidance services; student tutoring; encouraging broader student participation in school activities; providing opportunities for individual recognition; changing class placement to provide new teacher relationships; and establishing closer contacts with the home.

If the perspective focuses on the school, intervention will consider institutional strategies. Included might be strengthening administrative leadership; applying strong management and supervisory responsibilities; and increasing inservice training to improve teaching skills. Others include expanding the curriculum and co-curriculum to address a full range of student needs and developing programs to involve students more fully in decision making with regard to school rules, regulations, activities and the appropriateness of the curriculum.

If the perspective focuses on society, intervention may be more difficult since schools alone are inadequate to resolve many societal issues; however, the following school-related questions offer some considerations for study.

- What changes in the school structure and instructional approaches might deal with earlier biological maturity and psychological sophistication of students?
- How should schools deal with the eighteen-year-old student with legal status as an adult? With the unwed parent?
- What is the role of schools in preparing young people to deal with societal changes and pressures affecting them personally, such as divorce, the single parent family, peer culture, early sexuality, unwed parenthood, age segregation and drug use?
- Can schools articulate changing developments in the job market and alter the curriculum to prepare students more adequately for entering the work place as it actually is at the time of graduation?
- Does a school assignment or program adversely affect the social mobility of certain groups?

Considerations of the above perspectives of causes and intervention strategies related to chronic absenteeism and truancy can guide the development of alternative programs to meet the needs of absent and truant-prone students.

C. In-School Factors Affecting Good School Attendance

One significant factor in achieving good school attendance is a capable and committed principal who gives attendance high priority and provides strong leadership to staff, students and parents to improve and maintain attendance. Another is regular attendance by the staff as role models.

A teacher's knowledge of each student's ability, progress and achievement guides individualization of instruction and intervention as soon as evidence indicates that progress might be impeded, which, in turn, could lead to truancy or dropping out of school. Accurate records must be maintained and analyzed carefully, particularly for early signs of an emerging pattern of school absence. Negative attendance attitudes and behaviors in the earliest grades often are indicative of future truants or potential dropouts.

Early identification of physical impairments to vision and hearing and other learning disabilities should be followed by appropriate intervention strategies. Student mastery of each subskill needed for mastery of basic skills should be monitored carefully; timely remediation should be provided to ensure competency before proceeding to the next set of subskills.

Effective instruction should be geared to individual differences in learning styles. Some students are visual learners; some learn by listening; some need to participate more actively than others; and some need a combination of techniques. Teachers need to be specific in stating objectives, means and outcomes, and to know which interventions lead to positive results. Teachers and students also must have adequate supplies and equipment for instruction and learning. School should be a pleasant place with teachers who are exemplary in their own attendance, dress, decorum and demeanor. A staff which shows warmth, respect and interest to each other and to each student can provide a positive school climate for learning.

The school curriculum should provide for the full range of student needs. Counseling and guidance are necessary for student orientation, scheduling and course selection. A broad range of co-curricular activities helps to meet individual interests and attract participation by students of various backgrounds and talents. Opportunities for awards and recognition should be broad enough to give personal attention to students. The school organization,

CHRONIC ABSENTEEISM AND TRUANCY

though clearly structured and tightly managed, should leave room for staff, student and parent expression in the formulation of guidelines for school governance and involvement.

The size of a school appears to have some effect on school attendance. Some larger schools have had success with a unit or house plan of administration. The house plan divides the school into separate units or houses. A unit principal and support staff administer each unit under the overall direction of the school principal. Usually, a house or unit principal has an office in a wing or section of the building serving specific students, thereby providing visibility and accessibility to the students being served.

Other schools may employ a school-community coordinator, visible and accessible to students, staff and parents. The coordinator helps students participate fully in curricular and co-curricular activities; communicates needs and concerns to the administration; and strengthens channels of communication among the home, school and community.

Parent and community involvement strengthens the school and provides staff and student support. Interest and involvement can be solicited and sustained by broad communication about school programs, curriculum changes, student achievement and activities and other matters, including attendance. Communication can be achieved through personal contacts, phone calls, correspondence, school newsletters, presentations to groups and media releases.

INCENTIVE PRACTICES

IV. INCENTIVE PRACTICES FOR MAINTAINING AND IMPROVING SCHOOL ATTENDANCE

Many schools have developed programs as incentives to encourage regular attendance in school. These include rewards for good attendance, closer home-school contact, opportunities for better student or student-teacher communication, wider use of community resources and more realistic approaches to scheduling classes and activities. Examples of each follow. The ideas were adapted from practices obtained from a survey of schools in Ohio and other states or were suggested by members of the attendance advisory committee.

Rewards

Contests

Contests among classes, grade levels, homerooms or neighboring schools bring monthly awards for perfect attendance or improved attendance. Rewards include items of recognition such as a school flag or trophy, classroom banner, individual lapel buttons and special events, including school assemblies, class parties, field trips and tickets to high school athletic, music or drama events.

Individual Recognition

Individual recognition is given to students who achieve perfect attendance or who have shown the greatest improvement in attendance. Examples include monthly photos mounted on a special attendance bulletin board, perfect attendance pins, trophies or certificates, features in the school paper and letters of commendation to students and parents.

Home-School Contact

Postal Cards

Teachers are given postal cards with a printed message such as "__(Name)__ has been absent ____ days or tardy ____ days. I am concerned because the work missed is important. Is there anything I can do to help?" The teacher signs and mails the card to the parents.

Wake-Up Calls

Parent volunteers call frequently tardy or absent students to say, "It's time to get up to get ready for school." The volunteers are trained before assuming this role, and the parents of the students give their approval in advance.

Principals's Letters

Principals write a letter to parents of students frequently absent or tardy, explaining the effects of absence on achievement and future employment and enlisting their support to improve the student's attendance.

INCENTIVE PRACTICES

Alarm Clocks
Some school districts, especially those with numbers of students from disadvantaged families, provide students with used but working alarm clocks to help them get up in time for school. The clocks are collected by parents in PTA/PTO organizations.

Improved Student and Student-Staff Communication

Attendance Committee
A committee of the principal, students, teachers, parents and others, such as the school nurse and counselor, reviews attendance matters and suggests school-wide programs for improvement.

Students as Exemplars
A team of older students counsels with groups of younger students to emphasize how good attendance affected their success in school, in extra-curricular activities and in summer or part-time jobs.

Buddy System
Students with regular attendance volunteer to show special interest in one of their peers exhibiting attendance problems. They pair to walk to school together, lunch together and do home study assignments together.

Adopt a Student
Teachers volunteer to take special interest in one to five students exhibiting attendance problems. They chat with students in the halls, ask about school progress and family situations, offer encouragement and praise and demonstrate concern.

Intensive Counseling
The principal or counselor spends time each week with a selected number of students exhibiting attendance problems, discussing reasons for absence and suggestions for improving attendance. They discuss such matters as the relationship between attendance and school achievement; the record of successful people, particularly athletes, who must attend practice and games and "kick off" on time; and the fact that employers often inquire about a student's record of attendance.

Teacher Advisors
Homeroom teachers use the homeroom period to act as advisors to help students develop a positive self-image and the skills needed to live in society, and assist students set short and long-range goals and learn methods to attain them.

These homeroom teacher-advisors keep abreast of the academic and co-curricular progress of their advisees and work with students on an individual basis. A contact card communication

system between classroom teachers and homeroom advisors provides a full profile of academic and citizenship progress of each student.

The teacher-advisor also maintains a channel of communication with the home of each advisee. This helps the parents feel closer to the school and helps teachers know students on a more personal basis. One result of the program is that each student has at least one adult in the school with whom he or she feels comfortable about sharing problems. Another important feature of the program increases student involvement through the selection of homeroom students to work with the teacher-advisor in planning homeroom activities.

Student Discovery Days

Special days are set aside every grading period during the school year as student discovery days. Each school department plans a schedule of classes consisting of a variety of activities, usually enrichment in nature, and provides supplemental resources and material not normally available during regular classtime. Included are guest speakers, field trips and advanced work in various academic and exploratory areas. Each homeroom teacher works with the students to develop a one-day schedule which will allow all students to explore new areas of the curriculum and participate in enrichment activities.

Code of Conduct

A committee of students, teachers, parents and the principal meets annually to review, evaluate, refine and amend the Code of Student Conduct. The approved code is shared and discussed widely by staff, students and parents. Some schools print the code of conduct on school-supplied book covers so that it is always available to students.

Community Contact

Help from Service Clubs

Many service clubs provide support and gifts to help schools with matters such as attendance. For example, the Kiwanis Club may provide trophies to be awarded to schools with the best or most improved attendance or provide an annual dinner honoring students with perfect attendance along with their parents. Lions Clubs may provide eye examinations and glasses for students whose school success is impaired by vision problems and whose parents cannot afford vision care. Groups or individuals frequently underwrite the cost of shoes, gym clothes, swim suits, special sports equipment and musical equipment for needy students, thereby increasing opportunities for students to participate in school activities.

INCENTIVE PRACTICES

Student Health and Social Services Coordinating Center
A school health and social services coordinating center refers students and families needing special services to appropriate community agencies for assistance. The center may be staffed by volunteers, such as PTA leaders and others with broad experience in school and community activities, under the direction of a certificated staff member.

Employers as Exemplars
Employers often serve as guest speakers at Career Day assemblies. Their presentations may stress the importance of a student's attendance record in a company's decision to hire, or not to hire, applicants for work.

Athletes as Exemplars
Local athletes from high schools, colleges and the professional ranks serve as speakers in classes and at assemblies, stressing the importance of self discipline, promptness and regular attendance for success in sports.

Media Coverage
Press, radio and television coverage of board of education attendance actions, adoption of the code of conduct, records of school attendance and related matters keeps the importance of attendance in public focus. Interviews with principals, teachers, students with perfect attendance and their parents make good news features.

A student poster contest stressing good attendance not only involves students in thinking about the importance of attendance, but provides an opportunity for the prize winners and their posters to be photographed for news attention.

Ads may be placed in the press or on billboards. Often the costs are paid by teacher or parent associations, school boosters and other community groups. One example features large footsteps, with the slogan "Steps to Success." The ad copy reads, "Steps to Success are those that take your child to school each day. The first step to success is daily school attendance."

Commercial Community Awards
Often a business will give commercial gifts to reward good attendance. Examples include a fast food chain which provides tickets for free hamburgers and fries; a dairy company which provides free ice cream to reward classes for good attendance; and a newspaper which provides free tickets to special sports events.

INCENTIVE PRACTICES

Realistic Approaches to Scheduling

Special Events on Mondays and Fridays

Many schools avoid scheduling student activities and events on Mondays and Fridays since more absence occurs on these days than others. On the other hand, some schools have found that scheduling events on Mondays and Fridays improves attendance on these days.

Before-School Intramural Sports

Scheduling a broad program of intramural sports in the morning before school has been used to improve attendance. Since student interest in the activities is high, students come for the sport and stay on for school.

Alternatives to Study Hall

Sometimes able students find study hall time excessive to their needs; others may be scheduled into study halls for two consecutive periods and be unable to utilize the time effectively. Some schools help such students by giving them an opportunity to enroll in an extra subject, participate in a range of optional interest-centered "mini-courses" or volunteer for daily helper assignments in the schools, such as hall monitors and library or office aides. The volunteer service helps the student feel a part of the school and enhances his or her attitude and self image.

Adjusting Schedules to Meet Individual Needs

Adjusting individual schedules may be possible to accommodate students who have to work or must meet other serious obligations after school.

Some interest has been expressed in granting certain students a semester's leave of absence in compelling personal situations which require their presence and attention. These might involve adjusting to childbirth and infant care or spending time with a terminally ill parent. During the leave, the student's name remains on the school enrollment record, and the school maintains contact with the student and arranges for return following the leave.

ALTERNATIVES

V. ALTERNATIVE SCHOOL PROGRAMS

Chronic absence frequently is a symptom of a larger problem. In many cases, the absence symptomizes student dissatisfaction with school. Students other than absentees may also evidence disaffection with school. Some are able students who seem to have been "turned off" by the conventional school program; some are gifted and talented students who need qualitatively different programs to develop their gifts and talents; some are average students who have special interests not offered in the regular school program; and some are students considered disruptive, characterized by difficulty in abiding by regulations, chronic absence and truancy.

Alternative programs can be designed to provide nontraditional educational experiences for these students which are more suitable to their needs, values, interests, talents, motivational levels and aspirations. While alternative programs differ from traditional programs in size, climate, organization, learning models and governance process, they do not deviate from requiring mastery of the basics and meeting proficiency standards established by the board of education.

Some alternative programs are developed on a broad scale, encompassing all school systems throughout the state, or are developed by individual school systems or a consortium of school systems. Examples of broad programs are Occupational Work Awareness, Occupational Work Experience, Career Education and various work-study programs.

Alternative programs developed to serve one school system include the continuation high school; the adult evening high school; curriculum programs differing in structure, setting, staffing and teaching approaches; open schools; Montessori kindergartens; all-day kindergartens for less mature five-year-olds; schools for pregnant teenagers; and magnet schools.

Alternative programs also may be implemented in one school. The principal and staff plan courses or classes for selected students which differ from the conventional program, perhaps in size, teaching approach, kind and degree of parent involvement, use of community resources and other respects. Examples include advanced placement, honor courses, remedial courses, mini-courses in lieu of a study period, a guidance homeroom, team teaching or, more elaborately, a "school within a school."

Some alternative programs are developed by a teacher or by several teachers for one grade level or in one subject area. They may desire to apply a different teaching approach in one or more classes, such as a games approach in mathematics, a seminar approach in social studies, a laboratory approach in economics or a contract or project approach in various other subjects.

ALTERNATIVES

Alternative programs require a clear, written enrollment policy which delineates goals and priorities and defines the kinds of students who are eligible to enroll. A clear set of criteria is established for admission to the program. Candidates for the program may be self-referrals or can be referred by teachers and counselors. Referrals usually are screened by a special team which determines the advisability of placement in the program. The student's enrollment should be voluntary following a conference with the student and parents to assure their full understanding and acceptance of the program.

A. Characteristics of Alternative Programs

The alternative school program strives for more balance between cognitive and affective learning. It recognizes the need for different learning styles to be accommodated by a different learning environment and different teaching styles.

It does not, however, disregard the need to master the basics and the proficiencies established by the school district. It provides alternative options which increase the opportunity for cognitive, affective and practical learning, and integrates these options into the regular school curriculum.

Learning emphasis in the classroom is goal-oriented. Clear standards of achievement are established. Classes are structured in a work-and-learning atmosphere so that the student's attention and effort are clearly focused on developing cognitive skills and attaining educational goals.

Most alternative programs are small; few exceed two hundred pupils. The climate is one of caring and acceptance. The atmosphere is personalized. Traditionally, students come to school accustomed to the norms of the family and schools are structured to prepare them for the norms of formal institutions. The alternative school, on the other hand, usually operates by norms more similar to those of the family. Teachers tend to substitute bonds of affection for those of formal authority. They view students as whole persons rather than performers of discrete tasks.

The organization of the alternative school exhibits a different administrative climate, with a greater teacher sense of power, less formality and more teacher autonomy. Student participation in the school extends to its governance. Decision making is shared among school administrators, teachers, students and parents. The staff develops strategies designed to form a new social group composed of teachers and students and a reward system which values high student involvement and academic achievement. They substitute internal cohesion for external authority as a device for developing or controlling student behavior.

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The setting for alternative programs varies. Some are conducted in a traditional school building as a school-within-a-school. Others make use of other sites, such as camps, former warehouses or decommissioned schools. One advantage of a school-within-a-school is that the student has access to the conventional school program and, when ready, finds it easier to return.

Many alternative programs make broad use of community resources. Some send students into the community to learn from internships, volunteer assignments, work programs, consumer surveys, career exploration, environmental programs and similar experiences.

In summary, common elements of alternative school programs include an individualized system of instruction, an attainable system of rewards, a goal-oriented learning environment and a small-sized, attentive and supportive learning environment.

B. Exemplary Alternative School Programs

The literature on alternative programs is extensive. Selected samples of successful state and national programs are described below to show their diversity, and in some cases, their simplicity, and the potential they suggest for meeting student needs. Additional practices and programs are identified in a companion publication, *Reading Dropouts in Ohio Schools: Guidelines and Exemplary Practices,* available from the Ohio Department of Education.

Dayton City Schools
Dayton, Ohio

"Longfellow Alternative Learning Center" The center is an extension of the district's junior and senior high schools and serves truant-prone students and dropouts above the age of 13. Referrals can be made by the home schools, courts or social agencies. Enrollment is voluntary following a home visit and orientation meeting with the student and parents or guardians.

Approximately 400 students are enrolled in an upgraded setting for one-half day of individualized academic study and one-half day of job training or job placement. An "open entry" policy permits a student to enter the program at any time during the year since credits toward graduation are based on completion of the required number of clock hours of instruction instead of semester time blocks. Students are also matched with specific teachers for personal counseling purposes. Students participate in home school activities, if desired, and receive a home school diploma upon completion of the graduation requirements.

ALTERNATIVES

Cincinnati City Schools
Cincinnati, Ohio

"School for Creative and Performing Arts" In operation since 1973, the school serves over 1000 students in grades 4 through 12 who are admitted by auditioning in vocal or instrumental music, dance, drama, creative writing or fine arts. Students must meet all regular academic requirements and complete a major in the arts. Since the major criterion for admission is a demonstrated talent or interest in the arts, academic placement is individualized across grade and age levels. Besides completing a school day which is one hour longer than normal, students spend additional hours in the evenings and on weekends for practice and performance in the arts.

The instructors are both academic teachers and artists/directors. The personal bonds of commitment and interest between students and teachers result in high attendance and achievement levels, well disciplined students and strong parental support.

Worthington City Schools
Worthington, Ohio

"High School Alternative Program" Housed in a separate facility, the program encourages self-motivation and self-direction by providing challenging, non-traditional options for learning such as:

- student designed work contracts
- student taught classes under the supervision of the staff
- student led town meetings for governance decisions
- student initiated "equivalency" schedules to complete the required 30 hours of learning per week
- intensive study focusing on a student's specific area of interest for an interim period
- student maintained logs of their work for evaluation purposes

A special feature is the Walk About program at the second semester senior level in which students participate in a field-based experiential setting under the supervision of a mentor in an occupational interest area of their choice.

Approximately 150 students are selected by a random draw of all volunteer applicants. The educational options promote communication and commitment among students and staff and encourage independence of thought and behavior.

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Columbus City Schools
Columbus, Ohio

"North Adult Education Center High School" The center is a day and evening high school providing an alternative program to encourage students to remain in school. The flexible day and evening schedule and a longer class period per subject allow students to earn credits toward graduation over five terms throughout the year.

The emphasis is on an individualized competency-based curriculum to strengthen academic skills. In addition, the school features an independent study program and instruction-by-prescription strategies. A minority counselor assures that minority students gain access to the school's many instructional and vocational options. The school provides additional support through counseling and job placement services.

Akron City Schools
Akron, Ohio

"Prevocational Academy for Boys—Camp Y Noah" An alternative day school in a lakeside camp setting, the academy serves 100 junior through senior high school boys characterized as having difficulty adjusting to the conventional school program and evidencing problems with school attendance and behavior. *"Prevocational Academy for Girls—Camp Rex"* is a parallel alternative program for girls.

Students are referred to the academies upon the recommendation of a committee representing teachers, counselors and administrators. Eligible candidates are admitted only after interviews with the students and parents to ensure full understanding and acceptance of the requirements of the program. Students may be admitted to the program at any time during the school year, remaining until such time as their achievement and adjustment warrant their return to the regular program in their respective home schools.

The male and female camp buildings, leased from the YMCA and Rotary Club, respectively, are winterized and equipped with classrooms, labs, offices, convocation halls and cafeterias. Cross-grade and cross-age level classes are small. Instruction is individualized to meet all state and district academic requirements. Both remedial instruction and tutoring are provided. Teachers work intensively with the students individually and in small groups. Parents and students are involved in school government.

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The uniqueness of a wooded lakeside camp setting provides opportunities for creative instructional experiences removed from, and enriching to, the students' customary urban environments.

Portland Public Schools
Portland, Oregon

"Focus" This school-within-a-school program serves 100 high school students with low achievement and attendance rates and/or behavior problems. The curriculum, so flexible that it is revamped monthly by students and staff, revolves around the following five study areas:

- communication labs in reading, writing and speech
- analysis labs in science and math
- values labs
- reality labs which survey "life-as-it-is" in economics, politics and employment
- nonacademic electives

The main target is in the affective realm, emphasizing valuing and self-concept development. Five full-time teachers and one part-time teacher run the program. An evaluation of one program year showed that student behavior, self-concept, achievement and attendance improved. Attendance data indicated 70 percent of the students improved their attendance.

Livonia Public Schools
Livonia, Michigan

"Alpha (Alternative Learning Program for the High School Age)" This program is intended to provide encouragement to dissatisfied students by placing them in a controlled heterogeneous setting: half of the enrollment is made up of chronic absentees and the other half is selected at random from voluntary applicants. Teachers and students contract for credit in independent study classes. Credits are earned for volunteer work in the community, work experience, regular high school classes, independent study and a special Alpha Workshop. The Alpha Workshop is the core of the program. This is a two-hour-a-day, five-day-a-week class emphasizing values clarification, goal setting and group and individual problem solving. Evaluation has shown improvement in student self-esteem and attendance.

ALTERNATIVES

North Central High School
Indianapolis, Indiana

"Learning Unlimited" This school-within-a-school program emphasizes individualization, learning contracts, extensive use of community resources and developing a sense of responsibility for learning. The skills stressed by the program are decision making, time management, critical thinking and evaluation.

Students in the program are accountable for developing an individualized program of studies that meets their personal needs and goals and that complies with, and may go beyond, the state requirements. The individualized program becomes a learning contract. Instructional outcomes are based on demonstrated competencies. Success is measured not so much against time or quantity, but is determined by actual performance skills. The performance skills are based on criteria agreed to by the student, the teacher and parents when the learning contract is signed. Serving approximately a ten percent cross-section of students from a large enrollment of 3400, the rationale for the program is that it is possible to break down the monolithic structure of a large high school into smaller, more responsive programs designed to meet the needs of individual students. Costs per pupil are about the same as for the regular school program.

OPTIONS

VI. OPTIONS TO OUT-OF-SCHOOL SUSPENSION

The incentives and alternative school programs offered by school districts to improve attendance may not be effective in reaching all students. For those students who are truant under the law, suspension from school is within the discretion of the local board of education pursuant to Section 3313.661 of the Ohio Revised Code.

Many districts prefer to consider options or alternatives to the traditional out-of-school suspension practice. The following summaries briefly describe options being used by numerous districts.

In-School Suspension or Alternative Education Center

This program isolates the pupil from the mainstream of school activity, but does not relieve the student of the obligation to continue his or her studies. Although disciplinary in nature, the program aims to help students overcome personal problems, improve attitudes, develop more positive self-concepts and modify behaviors.

An area separate from usual school traffic is designated as the suspension room. The room may be equipped with study carrels and should contain resource materials, reference books and periodicals. Teachers supply the suspension room teacher with relevant assignment sheets and study materials. Students are required to study throughout the school day and to bring enough study materials to cover this time. The suspension room teacher offers individual help as needed. Some programs also provide counseling during the suspension period on a group or individual basis.

Assigned students report to the supervising teacher at the beginning of the school day. They are allowed eating and restroom privileges only. The privileges are given at a different time than the normal passing periods and the regularly scheduled lunch period. Lunch is eaten with, and under the supervision of, the suspension teacher in the suspension room. All other privileges, academic and extracurricular, are withdrawn until the expiration of the suspension period.

Attendance Contract

A written agreement on attendance should be developed with assurance that the signer knows exactly what is expected. Ideally, parents, as well as the student, are involved in developing the contract. The contract should:

- contain a mutually agreed upon goal for expected attendance
- be reasonable and attainable
- not be terminated without common understanding and consent of all parties
- list penalties for failure to fulfill any of the provisions
- specify the time frame for review dates

- be signed by the student and the parents in a scheduled conference
- identify the school official responsible for monitoring the contract

Intensive Counseling

Individual or group counseling sessions or workshops are developed for students prone to chronic absenteeism or truancy and, in some districts, for their teachers. The sessions are intended to change attitudes by:

- conveying the concern of the school staff for each student regardless of overt behavior, thereby focusing on the individual rather than on behavior
- helping the student to evaluate the issues involved, the need for rules and standards, his or her personal adequacies and possible shortcomings, and the implications of truancy for everyone in the school setting
- assisting the student to attain insights into the reasons for repeated absences and to consider changes which are personally acceptable

Work Assignment

This option is based on the concept that the student should render some constructive services to the school as retribution for failure to comply with school rules. The student and the parents agree to the work assignment and the time period for completing the work. The assignment could be part of several options spelled out in a written contract.

Saturday School

Students under suspension are assigned to a class held on Saturdays. The designated classroom is equipped with study carrels and reference materials. Regular classroom teachers provide class assignment sheets and lesson requirements. Students are required to bring relevant textbooks and study materials. In addition to continuing their studies, students receive individual help and informal counseling by the supervising teacher through individual and group discussions during the program period.

Probation

This plan calls for the student to continue regular classes contingent upon meeting probation requirements. Terms of the probation are spelled out during a conference with student and parents. The terms are specified in writing and signed by all parties. Terms include the length of time of the probation and consequences of violating them.

OPTIONS

Student Transfer

Sometimes a transfer to another school, a different class or another program can affect the student's willingness to come to school. The transfer can provide:

- a different classroom or school environment
- different teacher personalities or instructional approaches
- a program more suitable to the student's needs
- a different peer group

Alternative Programs and Schools

The objective of an alternative program or school is to provide options to meet the needs of students having difficulty in adjusting to the regular school program. Most alternative programs differ from the regular school in three ways—the learning model, the organizational model and the governance process.

Specific information about such programs is given in Section V. Alternative School Programs.

Adult Day or Evening High School

Sometimes transferring a student to an adult day or evening high school can effect a change in attitude. The substitution of adults for peers as a reference group often results in a change of behavioral cues. Individuals tend to identify with, or aspire to take on, behavioral traits of their reference group; thus, the adults serve to motivate some students in the development of more mature and responsible behavior. Transfers should be made only after consulting with and obtaining the consent of the student and parents.

LEGAL CONSIDERATIONS

VII. LEGAL CONSIDERATIONS FOR ATTENDANCE POLICIES AND PROCEDURES

A. Introduction

Policies and procedures on school attendance must conform to the law. State statutes on attendance govern the age of school attendance, compulsory school attendance, excuses and exceptions to attendance, methods of enforcement and sanctions for non-attendance.

State statutes on school attendance overlap statutes on age and schooling certificates, employment of minors, education of the handicapped and juvenile court proceedings. Statutes on attendance and related areas are contained in the following major chapters of the Ohio Revised Code:

- Chapter 2151 Juvenile Court
- Chapter 3321 School Attendance
- Chapter 3323 Education of Handicapped Children
- Chapter 3331 Age and Schooling Certificates
- Chapter 4109 Employment of Minors

A resource book compiling the most relevant statutory provisions is the *Ohio School Attendance Handbook*, published by the Ohio Department of Education.

State Board of Education rules and standards regulate aspects of pupil attendance procedures and practices. Minimum standard 3301-35-03(G), effective September 1, 1983, mandates that pupil attendance and conduct be administered according to established objectives and procedures. In addition, expectations of pupil attendance and conduct must be specified in a code of conduct. That code of conduct must outline procedures, corrective measures and penalties for code of conduct violations, and must safeguard pupil due process rights. Furthermore, school systems must distribute the code of conduct to parents, pupils and school personnel and post it in each school.

Federal statutes and regulations increasingly impinge upon various aspects of school policies and procedures. Statutes related to compulsory school attendance sometimes raise difficult legal questions. Decisions of state and federal courts interpret the law when conflicts arise. Opinions of the Ohio Attorney General also interpret the law. Although Attorney General Opinions are not controlling, the courts give them great weight.

To ensure that policies and procedures are not in conflict with the law, a local board of education regularly should have an attorney review board policies and procedures. An attorney can determine if the policies and procedures are solidly based on the law. An attorney also can recommend clarification of ambiguous language and elimination of questionable practices.

The next section of this chapter includes a brief guide to state statutes and State Board of Education standards on school attendance. The full text of each should be consulted prior to the development of the attendance policy and procedures. The last section discusses other legal considerations, including a student's right to due process, suspension and expulsion penalties and the rights of handicapped children. References and relevant case citations are noted on pages 46-51.

B. State Statutes and Standards on Student Attendance

The following is a brief guide to state statutes and standards on student attendance. The full text of each should be consulted.

Chapter 3301-35—Minimum Standards— State Board of Education

3301-35-03 Educational Resources

(G) Pupil attendance and conduct shall be administered according to established objectives and procedures.

(1) Pupil attendance shall be administered in accordance with Section 3321.04 of the Revised Code.

(2) Pupil conduct shall be governed by a Code of Conduct. The Code of Conduct shall:

(a) Specify expectations for pupil attendance and conduct;
(b) Specify procedures, corrective measures, and penalties regarding Code of Conduct violations;
(c) Safeguard pupil due process rights;
(d) Be available to parents, pupils, and school personnel;
(e) Be posted in accordance with Section 3313.661 of the Revised Code.

Effective: September 1, 1983

3301-35-08 Non-Chartered, Non-Tax Supported School

A school, which is not chartered or seeking a charter from the State Board of Education because of truly held religious beliefs, shall annually certify in a report to the parents of its pupils that the school meets Ohio Minimum Standards for non-chartered, non-tax supported schools cited in paragraphs (A) to (H) of this rule. A copy of said report shall be filed with the Ohio Department of Education on or before the thirtieth of September of each year.

(C) Pupil Attendance. Pupil attendance shall be reported to facilitate administration of laws relating to compulsory edu-

LEGAL CONSIDERATIONS

cation and the employment of minors. Parents shall be responsible for reporting their child's school enrollment or withdrawal. An individual in charge of the non-chartered, non-tax supported school may, as a matter of convenience, provide the report for the parent.

(1) The attendance report shall include the name, age, and place of residence of each pupil below eighteen years of age.
(2) The report shall be made to the treasurer of the board of education of the city, exempted village, or local school district in which the pupil resides.
(3) The report shall be made within the first two weeks of the beginning of each school year. In the case of pupil withdrawal or entrance during the school year, notice shall be given to the treasurer of the appropriate board(s) of education. Such notice shall be given within the first week of the next school month.

Effective: September 1, 1983

Age of School Attendance

Children at least five but under twenty-two years of age may be admitted to school and are entitled to attend school free [R.C. 3313.64(B)]. A board of education may provide a special education program for handicapped children at least three years of age [R.C. 3323.08(B)]. Also, a board of education may establish identification and diagnostic services for handicapped children under the age of three [R.C. 3323.06(B)].

Compulsory School Age

Children between six and eighteen years of age are of compulsory school age [R.C. 3321.01]. They must attend school or a special education program conforming to the minimum standards prescribed by the State Board of Education, unless otherwise instructed or excused [R.C. 3321.03].

A child who graduates from twelfth grade prior to reaching the age of eighteen is excused from further school attendance [R.C. 3321.03(A)].

Children Subject to Compulsory Attendance

Every child of compulsory school age who is an actual resident of the state must attend a public or nonpublic school that conforms to minimum standards of the State Board of Education, unless otherwise instructed or excused [R.C. 3321.02, 3321.03, 3321.07].

A child may not be excused from attendance on the ground that the child's residence is seasonal, that the parent is a resident of another state or that the child has attended school for the legal period in another state [R.C. 3321.02].

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Attendance must begin within the first week of the school term or program or within one week of residence in the district. Children on Age and Schooling Certificates must return to school within one week after termination of employment [R.C. 3321.04].

Excused Absence

A local board of education and the State Board of Education have statutory responsibilities regarding the establishment of rules and regulations governing issuance of excuses for absence [R.C. 3321.04(C)].

A local board of education or governing authority of a private or parochial school may adopt rules and regulations on the issuance of excuses for absences for "good and sufficient reasons" [R.C. 3321.04(C)].

The State Board of Education may adopt rules prescribing conditions governing the issuance of excuses. The state rule issued pursuant to this statutory authority is 3301-51-13 of the Ohio Administrative Code. Section B governs excuses for past absence from school. The rule places responsibility upon the child's parent or guardian for making an explanation of each past absence to the superintendent of schools or the designee of the superintendent. The rule lists acceptable excuses for absence (see page 40).

Statutory Exceptions to Compulsory School Attendance

A child of compulsory school age may be excused from school attendance under very limited circumstances. Statutory excuses are as follow:

- **Graduation from high school [R.C. 3321.03(A)]**
  A child under eighteen years of age who receives a diploma indicating successful completion of the high school curriculum is excused from further school attendance.
- **Employed under Age and Schooling Certificate [R.C. 3321.03(B)]**
  The superintendent of schools may excuse a child who is sixteen years of age and is employed under an Age and Schooling Certificate.
- **Bodily or mental condition [R.C. 3321.04(A)(1)]**
  The superintendent of schools may excuse, for the remainder of the current school year, a child whose bodily or mental condition does not permit attendance at a school or special education program, provided that:
  - the condition is certified in writing by a physician, or in the case of a mental condition, by a physician or psychologist; and

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- appropriate instruction is provided in accordance with Chapter 3323 of the Revised Code, related to Special Education.

  The foregoing two provisions were added in August, 1976 to bring attendance laws into conformity with state and federal laws on education of the handicapped. The two provisions materially changed the interpretation of this statutory excuse.

- **Schooling at home [R.C. 3321.04(A)(2)]**
  The superintendent of schools may excuse, for the remainder of the current school year, a child who is being instructed in the home by a qualified person in the branches of instruction required and needed.

- **Necessary work in the home [R.C. 3321.04(B)]**
  The superintendent of schools may excuse for a future limited period a child over fourteen years of age in order to perform necessary work directly and exclusively for the parents or legal guardians of the child. The State Board of Education has adopted detailed rules closely regulating this statutory excuse. The state rule is 3301-51-13(A). It limits this excuse to fifteen days in any one school year, unless an emergency exists as defined by the state regulation (see page 40).

- **Attendance at a nonpublic school conforming to minimum standards of the State Board of Education [R.C. 3321.03, 3321.04, 3321.07]**
  A child attending a private or parochial school conforming to minimum standards adopted by the State Board of Education is excused from attending a public school. Ohio Supreme Court decisions interpreting this requirement where state standards conflict with genuinely held religious beliefs are:
  - *State v. Whisner,* 47 Ohio St. 2d 181, (1976)
  - *State, ex rel, Nagel v. Olin,* 64 Ohio St. 2d 341, (1980)

  In response to the foregoing decisions, the State Board of Education adopted the following minimum standards for nonpublic schools, effective September 1, 1983:
  - Rule 3301-35-04 Nonpublic School—Chartered by State Board of Education,
  - Rule 3301-35-08 Non-Chartered, Non-Tax Supported School —Not chartered or seeking a charter from State Board of Education because of truly held religious beliefs

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Chapter 3301-51—Ohio Administrative Code—Department of Education

3301-51-13 Excuses from School Attendance

(A) Regulations governing excuses from future school attendance:

(1) The superintendent of schools of the county, city or exempted village school district, or the person designated by such superintendent, may excuse a child over fourteen years of age from attendance at school for a future limited period for the purpose of performing essential work directly or exclusively for the parents or legal guardians of the child seeking to be excused. The excuse should be limited to not to exceed five days and may be renewed twice if necessary.

(2) No child shall be excused for any period of time under this provision when such absence for any period of time under this provision would materially endanger his educational welfare and scholastic advancement.

(3) No child may be excused for a limited period of time who has not been in regular attendance at the school from which he is seeking to be excused during the current school year preceding the date of the application for an excuse. This condition shall be exclusive of nonattendnace for which excuses already have been approved or granted.

(4) The written request for the absence of a child for future limited period of time and the reasons for such absence, as stated by the parent or guardian over his signature, shall be filed with the county, city, or exempted village superintendent of schools in the district from which the child is seeking to obtain an excuse from school. These requests for absence may be filed with the superintendent by the principal or teacher of the school or schools under the administration of such superintendent.

(5) The absence from school may begin only after the permit is granted in writing by the individual authorized by law, or designated in accordance with the law, to issue a legal permission for future absence from school.

(6) No permit may be issued for the excuse of a child from future attendance at school until satisfactory proof of one or more of the following conditions has been established:

(a) Actual need for help for the parent or guardian of the child seeking permission to be absent from school due to either of the following conditions:

(i) The existence of an emergency condition at home such as absence, illness, or death of a parent or guardian of the applicant child.

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(ii) Farm work on the farm of the parent or guardian during a time of the year in which the amount of farm work to be performed may be regarded properly as exceptional.

(b) Inability of the parent or guardian to employ help.

The determination of actual inability is vested in the superintendent of schools to exercise as a discretionary power upon consideration of all facts regarding the application in question.

(7) (a) No one permit for the absence of a child for a future limited period may be issued for a period of more than five school days. When deemed absolutely necessary, a permit for absence may be renewed. In no case, however, may the renewals be issued to cover a period exceeding ten days. No child may be so excused from attendance at school for more than fifteen school days in any one school year.

(b) A boy may be excused for a longer period of time than the fifteen-day maximum fixed in item (7)(a), "if the father or guardian is dead, or is totally or partially incapacitated and there is no older brother or sister at home who is out of school. In *emergency cases* of this kind the superintendent of schools is authorized to extend the period of absence for more than fifteen days if, in his discretion, such action seems necessary. In cases where the absence from school is based upon the incapacity of the father or guardian, the superintendent may require the certificate of a physician attesting to the physical condition of the father or guardian." A girl may be excused for a longer period of time than the fifteen-day maximum fixed in item (7)(a), "if the mother is dead, or totally or partially incapacitated, and there is no older brother or sister at home who has been excused from school. In cases where the request for absence is contingent upon the incapacity of the mother, the superintendent may require the certificate of a physician showing the physical condition of the mother."

(8) The authority to issue excuses from future school attendance under Section 3321.04(B) of the Revised Code may be removed by the State Board of Education from any superintendent of schools, if the authority exercised by him is used without proper discretion, or in violation of any rule or regulation prescribed by the State Board of Education.

(B) Regulations governing excuses for past absence from school:
(1) The explanation of each past absence shall be made by the parent or guardian to the superintendent of schools or to the person designated by him to approve or disapprove past absences.
(2) An excuse for absence from school may be approved on the basis of any one or more of the following conditions:
(a) Personal illness. The approving authority may require the certificate of a physician if he deems it advisable.
(b) Illness in the family. The absence under this condition shall not apply to children under fourteen years of age.
(c) Quarantine of the home. The absence of a child from school under this condition is limited to the length of quarantine as fixed by the proper health officials.
(d) Death of a relative. The absence arising from this condition is limited to a period of three days unless a reasonable cause may be shown by the applicant child for a longer absence.
(e) Homework due to absence of parents or guardians. Any absence arising because of this condition shall not extend for a period longer than that for which the parents or guardians were absent.
(f) Observance of religious holidays. Any child of any religious faith shall be excused if his absence was for the purpose of observing a religious holiday consistent with his creed or belief.
(g) Emergency or set of circumstances which in the judgment of the superintendent of schools constitutes a good and sufficient cause for absence from school.

Effective: July 7, 1967

Age and Schooling Certificates—Full-Time

State statutes on age and schooling certificates are extensive and are contained in the following major chapters of the Ohio Revised Code:

- Chapter 3321 School Attendance
- Chapter 3331 Age and Schooling Certificates
- Chapter 4109 Employment of Minors

The superintendent of schools may issue a full-time Age and Schooling Certificate upon satisfactory proof that a child is sixteen years of age, is employed, and "has satisfactorily completed a vocational education or special education program adequate to prepare students for an occupation" [R.C. 3301.01]. The determination of whether the child has met the latter requirement is within the sole discretion of the superintendent of schools (Ohio Attorney General Opinion 70-026).

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The superintendent may condition the issuance of a certificate upon attendance at a part-time school or class until the age of eighteen [R.C. 3321.08, 3321.10, 3331.04]. The superintendent is the sole judge of the availability or accessibility of part-time schools for children who are holders of certificates [R.C. 3321.11].

Under R.C. 3331.02, the prerequisites for issuance of an Age and Schooling Certificate are:

- Proof of age
- Written pledge of employer to legally employ the child and to return the Age and Schooling Certificate to the superintendent within two days of child's dismissal or withdrawal from employment
- Physician's statement that child is physically capable of performing occupations lawful for age and sex
- School record

An Age and Schooling Certificate may be issued only upon satisfactory proof that the employment contemplated is not prohibited by any law [R.C. 3331.01]. This would include the extensive state and federal statutes on employment of minors. These statutes regulate hours of employment and identify certain occupations as "hazardous."

An employer must provide a minor with a written agreement regarding wages or compensation [R.C. 4109.10(A)]. The only exception to an employment contract is where the minor works in the farm home or on the farm directly and exclusively for his parent [R.C. 3331.02(A)].

Where the parent or guardian is the employer, the parent or guardian must keep the Age and Schooling Certificate on file. The parent, like other employers, must return it within two days of the child's termination of employment [R.C. 3331.14].

Enforcement of Compulsory Attendance

Code of Conduct

State statute R.C. 3313.661 requires a board of education to adopt a code "specifying the types of conduct for which a pupil may be suspended, expelled, or removed..." A copy of the code must be "made available to pupils upon request" and must be "posted in a central location in the school."

State standard 3301-35-03(G), effective September 1, 1983, requires the adoption of a code of conduct. The requirements are broader: the code of conduct must specify expectations for attendance as well as conduct. In addition, the code must specify "procedures, corrective measures, and penalties regarding code of conduct violations." The term "penalties" includes sanctions in addition to removal, suspension or expulsion.

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The state standard regarding distribution of the code of conduct also is broader. The code must be available to parents and school personnel as well as pupils. In accordance with R.C. 3313.661, it must be posted in a central location in the school.

The purpose of a code of conduct is to provide "fair notice" of the expectations for attendance and conduct and the penalties for violations. Consequently, the code of conduct should be clear and understandable.

When disseminating the code of conduct, school officials should ensure that it is available in a form to provide effective notice to:

- parents and students identified as having a primary or home language other than English
- parents and students who are handicapped

Role of the Attendance Officers

The primary responsibility for investigation and enforcement of school attendance laws is imposed on school attendance officers. School attendance officers have broad powers to investigate and enforce statutes relating to compulsory education and employment of minors. School attendance officers may:

- serve warrants and enter places of employment where minors are employed [R.C. 3321.17]
- take into custody minors not legally employed on an Age and Schooling Certificate and conduct them to school [R.C. 3321.17]
- institute legal proceedings against any officer, parent, guardian or other person violating laws relating to compulsory education and employment of minors [R.C. 3321.18]

Methods of Enforcement

Two statutory methods are available for enforcement of compulsory attendance laws: school officials may file a complaint against the parent or guardian or may file a complaint against the truant child.

1. **Court Action Against Parent/Guardian**
   State statutes outline the procedural steps which must be followed in prosecution of the parent, guardian or custodian of the truant student. The steps are:
   - Provide a written notice and warning to the parent, guardian or custodian of the legal consequences of the child's continued truancy. A warning also must be sent to the truant child [R.C. 3321.19]. A notice sent by registered mail is a legal notice [R.C. 3321.21].

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- File a complaint against the parent, guardian or other person in charge of the child [R.C. 3321.19]. Attendance officers have a choice of judicial forums. The complaint may be filed in the county court, municipal court or juvenile court [R.C. 4109.13(D)].

A person convicted of violating compulsory attendance laws is subject to a fine from five to twenty dollars. The court may also require the posting of a $100 bond conditioned on sending the child to school [R.C. 3321.38(A) and 3321.99(A)]. Failure to send the child to school thereafter results in forfeiture of the bond. Refusal to pay the fine or to post bond may result in a jail sentence of ten to thirty days [R.C. 3321.38(B) and 3321.99(B)].

A person charged with failure to send a child to school has a statutory defense. If the person proves inability to cause the child to attend school, then the court discharges the individual. The attendance officer thereafter must proceed against the child in juvenile court [R.C. 3321.22].

2. Court Action Against Truancy

School attendance officers may proceed against the truant child by filing a complaint in juvenile court. Relevant statutes are:

- **Unruly child [R.C. 2151.022]**
  The statutory definition of an unruly child includes any child who "is an habitual truant from home or school."

  If the child is adjudged unruly, the court may take the following actions [R.C. 2151.354]:
  - Place on probation
  - Suspend driver's license
  - If unruliness continues, treat as a delinquent child
- **Delinquent child [R.C. 2151.02]**
  The statutory definition of a delinquent child includes a child who "violates any lawful order of the court..."

  If a child is adjudged delinquent, the court may take the following actions [R.C. 2151.355]:
  - Place on probation
  - Commit child to temporary custody of a school, camp, institution or other facility for delinquent children
  - Fine up to $50.00
  - Suspend driver's license

Court Intervention for the Truancy-Prone Student [R.C. 5139.34]

Under House Bill 440, effective November, 1981, the Department of Youth Services distributes funds to counties for the development and operation of community-based services for students adjudicated unruly or delinquent, or at risk of becoming unruly or delinquent. The funds may be used for prevention, diversion, diagnosis, counseling, treatment and rehabilitation programs and for foster care facilities.

In each county, a Youth Services Advisory Board must formulate a comprehensive plan for prevention and intervention. The Advisory Board must consist of at least five members, and must include representatives from the juvenile justice system and educational and other youth services agencies.

C. Rights of Due Process and Penalties

Protection of a Student's Right to Due Process

Board policies and procedures on student conduct and attendance must protect a student's right to due process.

Both the Fifth Amendment and Fourteenth Amendment of the United States Constitution refer to "due process."

The Fifth Amendment is part of the Bill of Rights and protects individuals from actions by the federal government that would deprive a person of "life, liberty, or property, without due process of law..."

The Fourteenth Amendment protects individuals from similar deprivations by state governments, and reads in part:

> *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law...*

The term "State" encompasses state entities and agencies, such as boards of education.

Definition of Due Process

There are two types of due process: substantive due process and procedural due process.

Substantive due process is a constitutional guarantee against deprivation of life, liberty or property for arbitrary reasons. Laws passed must bear a reasonable relationship to a proper legislative purpose, and must be neither arbitrary nor discriminatory.

> *The principle of due process of law had its origin in England as a protection to individuals from arbitrary action on the part of the Crown...It is a limitation upon arbitrary power and a guaranty against arbitrary legislation, demanding that the*

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law shall not be unreasonable, arbitrary, or capricious, and that the means selected shall have a real and substantial relation to the object sought to be attained.

(16A American Jurisprudence 2d. *Constitutional Law*, Section 816, at 979-81 (1979).

Procedural due process relates to the characteristics of the proceeding looking toward deprivation of life, liberty or property. It encompasses the right to notice and the right to be heard, under circumstances consistent with essential fairness.

The idea of procedural due process is reflected in the statement that it is a rule as old as the law that no one shall be personally bound until he has had his day in court, by which is meant until he has been duly cited to appear and he has been afforded an opportunity to be heard. Judgment without such citation and opportunity lacks all the attributes of a judicial determination; it is judicial usurpation and oppression and can never be upheld where justice is fairly administered.

(*Id.* Section 813 at 968)

While procedural due process embodies the fundamental concepts of notice and hearing, the exact form of the proceeding varies according to the specific factual context.

Due process is flexible and calls for such procedural protections as the particular situation demands; the quantum and quality of the process due in a particular situation depends on the need to serve the due process function of minimizing the risk of error in decision making...[W]hether the constitution requires that a particular right obtain in a specific proceeding depends on a complexity of factors, such as the nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding.

(*Id.* Section 815 at 975-76)

Cases Illustrating Meaning of Due Process

Substantive Due Process: St. Ann v. Palisi
495 F2d 423 (Fifth Circuit 1974)

In 1974, the Fifth Circuit Court of Appeals struck down a school board regulation which authorized school officials to suspend students for the misconduct of parents.

In the case before the court, a mother struck an assistant principal, and, as a result, school officials suspended her two children.

The Fifth Circuit held that the regulation was invalid as infringing the constitutional principle that one may be punished only on the basis of his personal guilt.

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> *[S]chool principals must be given considerable freedom to achieve effective school administration, but courts should not hesitate to act when fundamental constitutional liberties are contravened. Freedom from punishment in the absence of* personal *guilt is a fundamental concept in the American scheme of justice. In order to intrude upon this substantial burden of justification... [S]chool officials have failed to meet this burden..*
>
> (*Id.* at 425)

Procedural Due Process: Goss v. Lopez
419 U.S. 565 (1975)

In 1975, the United States Supreme Court struck down an Ohio statute that permitted a school principal to suspend a student for up to ten days without a hearing either prior to or within a reasonable time thereafter.

The court held that students subject to suspension had both a property interest and a liberty interest which required the protection of procedural due process. The property interest at stake was a student's entitlement to a public education. This right was created by state laws requiring local authorities to provide a free education to all residents between five and twenty-one years of age and by compulsory attendance laws requiring attendance for a school year of not less than 32 weeks.

The liberty interest at stake was the student's reputation. The charges of misconduct and record of suspension "could seriously damage the student's standing with his fellow pupils and teachers as well as interfere with later opportunities for higher education and employment." (*Id.* at 575)

The court stated that exclusion from the educational process for more than a trivial period was a serious event in the life of the suspended student, and that a student was entitled to "some kind of notice" and "some kind of hearing." In determining the type of notice and hearing, the court looked at the competing interests involved.

> *The student's interest is to avoid unfair or mistaken exclusion from the educational process, with all of its unfortunate consequences...*
>
> *The difficulty is that our schools are vast and complex. Some modicum of discipline and order is essential if the educational function is to be performed. Events calling for discipline are frequent occurrences and sometimes require immediate, effective action. Suspension is considered not only to be a necessary tool to maintain order, but a valuable educational device.*
>
> (*Id.* at 597-80)

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In balancing these interests, the court concluded that with a suspension of ten days or less, the student was entitled to notice of charges, and, if he denied them, an explanation of the evidence and an opportunity to present his side of the event.

Following *Goss*, the Ohio legislature revised the statute on suspension and expulsion to incorporate additional procedural safeguards [R.C. 3313.66].

Practices/Penalties Receiving Court Scrutiny

The courts give local boards of education and school staff considerable discretion in regulating student conduct. School personnel can employ various penalties for infractions of school regulations without risking court disapproval.

The courts, however, will scrutinize practices and penalties that exceed the authority granted to local boards of education or impinge upon a student's constitutional rights. The majority of court cases concerning disciplinary actions have focused on the constitutional rights of due process [E. Bolmeier, *Legality of Student Disciplinary Practices*, at 170 (1976)].

The following is a review of practices and penalties included in some attendance policies which raise issues regarding a student's right to due process or propriety of school board action under state law.

Suspension

The sanction of suspending a student for truancy is within the discretion of a local board of education. Suspension is removal of a student from school for a period up to ten days.

A board of education must specify in its code of conduct that suspension is a sanction which may be invoked in cases of truancy [R.C. 3313.661]. A board of education employing this sanction must comply with the procedural due process requirements of state law [R.C. 3313.66]. A superintendent or principal may suspend a student.

In the case of suspension, a student must be given written notice of the intent to suspend and an explanation of the charges of misconduct. An informal hearing must be held to give the student an opportunity to challenge the reason for the suspension or otherwise explain his or her actions.

If it is determined as a result of the hearing that the student should be suspended, then the superintendent or principal must provide the parent or guardian of the student a written notice of the suspension within twenty-four hours. The notice must include the reasons for the suspension and the right to appeal to the board of education or its designee.

For information on suspension of handicapped students, see the following section.

Expulsion

The sanction of expelling a student for chronic truancy is within the discretion of a local board of education. Expulsion is removal of a student from school for the balance of a semester.

A board of education must specify in its code of conduct that expulsion is a sanction which may be invoked in cases of truancy [R.C. 3313.661]. A board of education employing this sanction must comply with the procedural due process requirements of state law [R.C. 3313.66], and, in the case of handicapped students, the additional procedural due process requirements of the federal Education of All Handicapped Children Act (EHA). Under state law, only a superintendent of schools may expel a student.

In the case of expulsion, the parent or guardian of the student as well as the student must be given written notice of the intent to expel. The notice must state the reasons for the intended expulsion, the right to appear at a hearing and the date and time of the hearing. The hearing must be held not less than three nor more than five days after the notice is given unless an extension is granted.

If the superintendent determines as a result of the hearing that a student should be expelled, then the superintendent must provide the parent or guardian of the student a written notice of expulsion within twenty-four hours. The notice must include the reasons for the expulsion and the right to appeal to the board of education or its designee.

When developing procedures for suspension or expulsion of handicapped students, school districts must follow the ruling of the Sixth Circuit Court of Appeals in *Kaelin v. Grubbs*, 682 F.2d 595 (6th Cir. 1982). The Sixth Circuit held that expulsion is a change of educational placement within the meaning of the federal Education for All Handicapped Children Act (EHA) and that handicapped students must, therefore, be accorded the additional procedural safeguards of EHA.

In *Kaelin*, a fifteen-year-old ninth grade student in a class for educable mentally retarded assaulted his teacher. The student was suspended from school and shortly thereafter expelled without consideration being given to the relationship between the student's handicap and his conduct.

The Sixth Circuit held that in the case of expulsion, handicapped students are entitled to the procedural safeguards of EHA as well as *Goss v. Lopez*. A placement committee must determine whether or not the student's behavior is a manifestation of the handicapping condition. If the disruptive behavior is a manifestation of

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the handicapping condition, then the student may not be expelled. Although handicapped students may be expelled in appropriate circumstances, there may not be a complete cessation of educational services.

In the case of suspension, the Sixth Circuit held that handicapped students are not entitled to separate disciplinary procedures. School officials may temporarily suspend handicapped students as long as they receive the procedural protections of *Goss*.

Reduction of Grades

The reduction of grades is a questionable penalty for truancy and unexcused absence. A leading authority on school law refers to reduction of grades for punitive reasons as an unorthodox disciplinary practice (Bolmeier, *supra* at 145).

In Ohio, there is no controlling court decisions on this issue. Court decisions in other jurisdictions are split.

The Fifth Circuit Court of Appeals denied relief to a high school student who sought an injunction and damages for a three-point reduction in a six-week algebra grade for an unexcused absence from class. The Appeals Court held that an insignificant decrease in a student's overall grade point average from 95.478 to 95.413 was a patently insubstantial federal claim. *Raymon v. Alvord Independent School District,* 639 F.2d 257 (Fifth Cir. 1981).

In contrast, an Illnois Appeals Court held that significant legal issues were raised by a high school handbook rule that lowered a student's grade by three percent for unauthorized absence. Issues raised included "whether her right to due process has been violated by procedural infirmities or substantively by application of arbitrary grade reduction penalties having no reasonable relationship to disciplinary objectives sought to be obtained by the Board." *Hamer v. Board of Education,* 383 N.E.2d 231, 234 (Ill. App., 1978).

A Kentucky Appeals Court held invalid an unexcused-absence rule which reduced the grades of a student who was suspended. The court held the state statute on suspension clearly preempted "the right of school officials to promulgate disciplinary regulations that impose additional punishment for the conduct that results in suspension. If the conduct of the student in the judgment of the school authorities warrants invoking the statutory authority to suspend, and school authorities do suspend, they have the right to determine the duration of suspension so that such action constitutes a complete punishment for the offense. *Dorsey v. Bale,* 521 S.W.2d 76, 78 (Ky. App., 1975).

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SPECIAL RECOGNITION

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Working with members of the foregoing committee, the project staff reviewed and synthesized the available data and literature relative to attendance policies and procedures; identified exemplary attendance practices being implemented in schools in Ohio and the nation; and developed the initial draft of this handbook.

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NOTES

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